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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,916	12/22/1998	LARRY A. NICKUM	450.251US1	2458

21186 7590 05/07/2003

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

RAO, SHEELA S

ART UNIT PAPER NUMBER

2125

DATE MAILED: 05/07/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/218,916

Applicant(s)

NICKUM, LARRY A.

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's amendment and response filed on February 23, 2003 has been entered and considered.
2. As per the amendment, claims 1, 7, 8, and 13 have been amended. Claims 1-23 are pending and presented for examination.

***Response to Amendment***

3. The rejection of claims 1-23 under 35 USC§ 103(a) as being unpatentable over Tabuchi (USPN 5,822,583) in view of Ruckdashel (USPN 6,038,542) is **maintained**.
4. The text of the aforementioned rejection can be found in the previous Office Action, paper no. 13.

***Response to Arguments***

5. Applicant's arguments filed February 23, 2003 have been fully considered but they are not persuasive. In Applicant's amendment and response, two main arguments are made with respect to the rejected claims. The first being that the references of prior art do not teach or suggest that "a wireless transceiver is used to transmit an event message." Examiner responds by directing Applicant to the Abstract, column 4:line 42, as well as claims 7 and 13 of the patented invention of Ruckdashel ('542); wherein the use of a wireless transmitter and/or receiver (transceiver) is stated. Ruckdashel teaches the use of a wireless pager or wireless telephone, both of which include a wireless transceiver. It is well known in the art that wireless transceivers operate with the use of RF frequency and is inherent to wireless pagers and telephones. The use of this type of technology in the patented invention as cited for rejecting the instant claims renders Applicant's argument on this matter moot. Applicant's second argument is that a motivation to combine the inventions of Tabuchi with that of Ruckdashel was not made by the Examiner in the previous rejection. Examiner, once again, disagrees. The motivational statement and reasons to combine are restated for purposes of emphasis.

Tabuchi fails to teach of a portable transceiver for receiving messages as claimed by the instant invention. The patent to Ruckdashel teaches of a system for notification of a scheduled event through the use of portable devices such as pagers and wireless telephones. **The inclusion of portable communication devices in the event notification system of**

Tabuchi would allow for better access to the user or respondent. It would have been obvious to one of ordinary skill in the art to have included the portable devices of Ruckdashel to the notification system of Tabuchi at the time the invention was made so as to have achieved more flexibility, quicker access, and a more efficient system.

By stating that a combination of a feature of Ruckdashel with the invention of Tabuchi would improve access is a statement of motivation for combining and shows evidence that a combination of the two inventions would be a means of betterment for the inventions.

The limitations of the claimed invention are taught by the prior arts of record as reiterated above; thereby, rendering the instant claims unpatentable.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ruckdashel	USPN 6,144,942
Vong, et al.	USPN 6,209,011 B1

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (703) 305-9766. The examiner can normally be reached Tuesday - Thursday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538.

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Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

or faxed to:

**(703) 746-7238                      for After-Final Communications**

**(703) 746-7239                      for Official Communications**

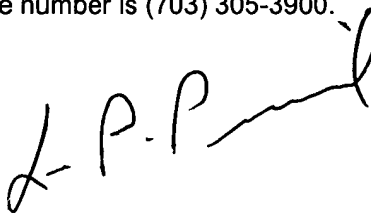
**(703) 746-7240                      for Status Inquiries of Draft  
Communications**

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Sheela S. Rao  
May 1, 2003



**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**